

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ALANA MCDONNELL
Claimant

APPEAL NO. 14A-UI-04127-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GREAT WESTERN DINING SERVICE INC
Employer

**OC: 03/23/14
Claimant: Appellant (2)**

871 IAC 24.1(113)a - Separation Due to Layoff

STATEMENT OF THE CASE:

Alana McDonnell (claimant) appealed an unemployment insurance decision dated April 16, 2014, (reference 01), which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Great Western Dining Service, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 8, 2014. The claimant participated in the hearing. The employer participated through Sheila Bruner, Employee Benefits Coordinator.

ISSUE:

The issue is whether the claimant's separation from employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked as a full-time food server worker from August 18, 2011, through May 18, 2013. She was laid off from May 19, 2013, through July 31, 2013. She was supposed to return to work on August 1, 2013, and the employer sent her a work schedule through the mail. The claimant had recently moved so did not receive it. Supervisor Monica called her after she missed two shifts and the claimant explained that she had not received the schedule. Monica told the claimant she had given away her hours to another employee but would call her when work was available.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. All terminations of employment are generally classified as layoffs, quits, discharges or other separations. 871 IAC 24.1(113)(a). A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer or an employer has discharged the claimant for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a.

The evidence establishes the claimant was laid off on July 31, 2013. She was supposed to return to work but never received the schedule. When the claimant spoke with the employer, her hours had been given away and no work was available. When an employer initiates a separation, the reasons for the separation must constitute work-connected misconduct before a claimant can be denied unemployment insurance benefits. A layoff does not constitute work-connected misconduct. The claimant's separation from employment was not due to any misconduct on her part nor did she quit her job. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

DECISION:

The unemployment insurance decision dated April 16, 2014, (reference 01), is reversed. The claimant is qualified for unemployment insurance benefits, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css